

REGULAR SESSION

February 9, 2017

The Council of the City of Chardon met in Regular Session Thursday, February 9, 2017 at 6:30 P.M. in Council Chambers of the Chardon Municipal Center.

Nancy McArthur, President of Council presiding.

The meeting opened with the pledge of allegiance and roll call.

Members of Council present: Andrew Blackley, Deborah Chuha, Chris Grau, David Lelko, Nancy McArthur, Jeffrey Smock.

Members of Council absent: John Mallen.

Others present: City Manager Randy Sharpe, Finance Director Mate Rogonjic, Clerk of Council Amy Day, Law Director James Gillette, Police Chief Scott Niehus, City Engineer Doug Courtney, Planning and Zoning Administrator Steve Yaney, Public Service Director Paul Hornyak, Tom Nolfi, Molly Smith, Nathan White, Joe Koziol, Larry Gaspar, Steve Turpin, Catherine Chuha, Ann Wishart, Mary Glauser.

APPROVAL OF MINUTES -

Mr. Blackley moved and Mr. Grau seconded to approve the minutes of the January 12, 2017 Regular Session as presented.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 1-17

A RESOLUTION OF APPRECIATION FOR JAMES PRUCE was read for the first time by title only.

Mr. Grau moved and Mr. Blackley seconded the rules be suspended and the Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 1-17 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Smock seconded for the adoption of Resolution No. 1-17.

Members of Council spoke to thank Mr. Pruce for his service as a member of Planning Commission.

Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported that materials have been ordered by the Illuminating Company for the installation of the LED street lights on the Square. The installation is expected to be completed by the end of February.

Mr. Sharpe reported that the Chardon Local School District is in the process of developing a long-range Facilities Master Plan that meets the long-term educational needs of the District. He stated that community engagement is vital to the process and all are encouraged to attend informational meetings held about the topic in the next month.

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Mr. Blackley stated that the District is investigating the consolidation of schools and encouraged all to stay abreast of the discussions. He added that the schools are extremely important and he supports the School District as well as a school presence on the Square.

Mr. Sharpe reported that Acendex Inc. has been selected to provide information technology consulting services for the City. He introduced Jonathan Husni, President of Acendex, who was in attendance to speak about the company and answer questions.

Jonathan Husni, President of Acendex, introduced his company and offered to answer questions.

General questions by members of Council were asked about the services Acendex will provide.

Mr. Husni reviewed the services they will provide as part of their three (3) year agreement with the City.

Mr. Smock asked how the cost compares with what the City is currently paying for IT services.

Mr. Sharpe stated that the annual cost of approximately \$57,000 for Acendex also includes planned projects so it is not a direct comparison. He added that the cost the City was paying for IT services was approximately \$47,000 per year.

Mr. Lelko asked where the employees are located and how quickly they can respond to calls for assistance.

Mr. Husni stated that Acendex employees work out of their Beachwood office. Assistance by phone is available within 15 minutes and they can be onsite in one (1) hour.

Mayor McArthur asked how the transition to Acendex will occur.

Mr. Sharpe stated that Acendex has already begun some preliminary work and Lan Maintenance will continue working through the month of February.

Mr. Smock asked if legislation is necessary to enter into an agreement with Acendex.

Mr. Sharpe stated that because the contract amount is less than \$100,000 per year, legislation is not necessary.

Mr. Sharpe reported on the status of public works projects.

Mr. Sharpe reported that the City received 11 bids for the Meadowlands Drive Extension Project. The Engineer's recommendation is to award the contract to DiGioia Suburban Excavating, LLC in the amount of \$1,205,995.00. An ordinance to award the contract is on the agenda under legislation.

Mr. Sharpe reported that Environmental Design Group (EDG) facilitated a project kick-off meeting on February 1, 2017 for the Maple Highlands Trail Extension Project Phase II at which the timing, project alignment, and coordination with the Railroad Trunk Sewer project were discussed.

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Mr. Sharpe reported that the 2017 Moffet Avenue, Canfield Drive/ Canfield Drive Extension & Cul-de-sac, and Chardon Park Estates Street Improvement Project is being advertised

on February 9 and February 16, 2017. A pre-bid meeting is scheduled to be held on February 17, 2017.

PLANNING COMMISSION REPORT -

Mr. Blackley reported that Planning Commission met and approved a lot split for 212 and 214 Basquin Drive.

Mr. Blackley reported that Planning Commission approved the City's request for a sign deviation to allow for the installation of a digital sign on Chardon Square.

Mr. Blackley reported that Planning Commission approved the architectural review for an attached, covered parking structure for E2B.

Mr. Blackley reported that Planning Commission approved the conditional use for Chardon Thistle House, a congregate care facility, at 526 Water Street, Chardon, OH 44024.

COUNCIL COMMITTEE REPORTS - none.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA -

Mary Glauser, Executive Director of Chardon Tomorrow, reported on the 2017 Winterfest activities and thanked City staff for their assistance.

Steve Turpin, reported on the frozen 4K that was held as part of Winterfest.

Mr. Turpin reviewed the happenings and outcomes of the 2016 BrewFest and requested permission to hold BrewFest on the Square on August 12, 2017.

Mr. Grau moved and Mrs. Chuha seconded to allow BrewFest to take place on the Square for 2017. Upon roll call vote the motion passed unanimously.

Ms. Glauser reported on Chardon Tomorrow activities and projects being worked on.

Ms. Glauser reported on Chardon Tomorrow's efforts to hold a 2nd Saturdays Program where a featured themed event will be held monthly that will promote patronage to local businesses while creating a festive and cultural atmosphere.

Ms. Glauser spoke to request Council allocate funds for Chardon Tomorrow when they consider their 2017 budget.

Molly Smith, Community Manager for American Cancer Society's Relay for Life, viewed the scheduled activities for the event on May 13, 2017 at Burton's Century Village. She encouraged the public to attend and participate in the event.

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Catherine Chuha, Chardon Square Farmers' Market Manager, addressed Council and requested permission for food truck attendance at the Farmers' Market. She described the food trucks that would be used and noted that she contacted Main Street restaurants who did not express opposition to the idea.

Mayor McArthur asked if permission for the food trucks would be a decision the Chardon Square Association could make since they would be a part of their event.

Mr. Gillette stated that if the food trucks would be in the public right-of-way, permission to allow them would be up to Council.

Mr. Gillette asked where the food trucks would be located.

Ms. Chuha stated that the food trucks would be parked on Short Court Street.

Mr. Gillette asked what the agreement is with the Chardon Square Association for the Farmers' Market and if the City monitors what the vendors do.

Mr. Sharpe stated that the market is given permission to use Short Court between 4-8 p.m. and the vendors pay for their booth space directly to the Chardon Square Association.

Mr. Gillette stated that as long as the food trucks are part of the area designated for the Farmers' Market and they comply with Health Department regulations, he does not see any issue with them.

Mr. Blackley moved and Mr. Smock seconded to allow Chardon Square Association to make arrangements to permit food trucks during the market and Concerts in the Park on Chardon Square.

Mr. Lelko inquired if the food trucks would be connecting to the City's sewer system to discharge water.

Public Service Director, Paul Hornyak, also expressed concern with the food trucks' potential discharge of potable and non-potable water and he requested that the use of the City's utilities be prohibited.

Nathan White, representing The Hunger Squad, stated that he has tanks under his food truck that are used to contain wastewater and other food trucks are run in a similar manner.

Mr. Blackley amended his motion and Mr. Smock amended his second to include that the food trucks must be self-contained with regards to utilities.

Upon roll call vote the motion passed unanimously.

Nathan White, addressed Council and inquired about the possibility of permitting food trucks within City limits, specifically at Mel Harder Park and on Short Court Street on the weekends when the restaurants are not open.

Mr. Sharpe stated that the City recently constructed a concession stand at Mel Harder Park and it is anticipated that bagged snacks and soda will be sold.

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Mr. White stated that the food he would sell would be hot food and would be different from that sold at the concession stand.

Mr. Lelko questioned how the City could allow only Mr. White's food truck to be in a location and how it would be regulated.

Mr. Blackley asked how other communities license food trucks.

Mr. Sharpe stated that there are few communities that allow food trucks. There is a permitting process which staff can research if Council is interested.

Mr. Grau suggested that the Park and Recreation Board review the topic.

Mr. Blackley stated that he generally supports the idea presented by Mr. White as it will provide an enhancement to the Square and ball park. He suggested staff investigate how other small communities handle food trucks.

Mayor McArthur asked how the food trucks would be permitted while other events are occurring on the Square.

Mr. Lelko stated that his initial concerns about food trucks relate to competing with businesses and Square events and he stated that additional research is needed.

Members of Council suggested Mr. White attend the next Park and Recreation Board meeting to discuss his idea of food trucks at Mel Harder Park.

Mr. Sharpe stated that the Park and Recreation Board could address the issue with food trucks at Mel Harder Park while staff also reviews possible regulations for food trucks on the Square.

Mr. Smock asked if the City would be regulating food trucks only on public property and not private property. He also asked if a food vendor could setup on private property.

Mr. Gillette stated that the City would be regulating food trucks on municipal property or the right-of-way. The City does not have any food business regulations to regulate food trucks on private property.

Discussion occurred regarding possible parking options around the Square that would still need to be addressed.

OLD BUSINESS -

Regarding a motion to revise the sidewalk program repayment schedule, Mr. Blackley moved and Mr. Smock seconded to revise the repayment schedule as recommended by the Public Service Director in his correspondence to Council dated November 23, 2016.

Upon roll call vote the motion passed unanimously.

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Regarding a timeline for the National Citizen's Survey, Mr. Lelko spoke to clarify that when he had originally suggested the idea of a strategic plan, he envisioned having an analysis of the City's services to determine if the services the City provides can be sustained. He stated that the strategic plan being proposed will produce a mission statement, vision plans, goals, and strategies which is not what he envisioned when he originally proposed a strategic plan. He is trying to look at the best use of taxpayer money and he does not desire to go forward with the strategic plan or survey as proposed.

Mayor McArthur asked what Mr. Lelko would like to see as part of the sustainability analysis he has proposed.

Mr. Lelko stated that he envisioned staff and Council discussing if the current level of service that departments provide is satisfactory, while looking at how levels of service will be affected by future growth.

Mayor McArthur stated that she envisioned a long-range, high level plan being done. Eventually it will filter down to the services that will be needed.

Mr. Lelko stated that he does not think that Council needs to go through the exercise of creating a mission statement and a vision plan for the City.

Mr. Blackley asked Mr. Yaney if he has an idea of the City's future growth.

Mr. Yaney stated that he envisioned slow, steady growth.

Mr. Smock stated that he does not oppose conducting a strategic plan but he would prefer that more of the survey questions pertain to residents' satisfaction with the services they receive.

Mr. Blackley stated that there is still a level of growth that the City should aim for. He would like to see the City grow and he thinks it is important to know how the City compares to others. He supports additional commercial and residential customers to help offset the cost of the wastewater treatment plant expansion.

Mr. Lelko stated that he would like to look at what the City provides now and what Council wants to provide in the future and then look at how this can be paid for.

Mr. Grau stated that he anticipates that staff routinely reviews the services they provide residents, and they look for ways to maximize their efficiency.

Mr. Hornyak stated that staff continually reviews ways to maximize their efficiency.

Mr. Grau stated that he does not want to duplicate what is already being done.

Mr. Lelko stated that the level of service is not discussed between both staff and Council.

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Mayor McArthur stated that it seems that staff is already doing what Mr. Lelko has suggested.

Mr. Sharpe stated that staff's assumption when budgeting is that the same level of service will be provided that has always been provided. If staff feels that additional resources are needed to maintain this level of service, they will bring it forward to Council.

Mr. Lelko stated that he would like to look at all the services at one time while looking at the financial condition of the City.

Mrs. Chuha stated that it seems that there are a small number of level of service questions that Council would like to ask and suggested a 1-page survey prepared by the City, be mailed to residents.

Mr. Sharpe stated that he does not want to conduct a survey without using the National Citizen's Survey because it will not be statistically valid.

Mr. Grau stated that he is not in support of having a number of meetings to review the services of each department, because it seems staff is already doing some of this already. However, he asked if Council and staff could review one department as a bridge to Mr. Lelko's suggestion. He asked if staff could develop a list of services that the Service Department provides and look at their projected level of service in the next few years and come back to Council and ask if the level of service is acceptable.

Mr. Sharpe stated that he could probably have something ready for Council to review in April.

Council continued discussion with how to proceed with the survey.

Mayor McArthur stated that Council voted to proceed with the survey at the January meeting, but the question remains on the customization of the survey.

Mr. Smock stated that he voted of favor of doing a survey but he does not like the questions that were recommended by the survey company.

Mr. Lelko stated that he thinks a survey should be done but not the one being proposed.

Mr. Sharpe reviewed ways the survey could be customized with the removal and addition of six (6) questions.

Mr. Lelko suggested that Council wait to see what types of questions arise from reviewing the Service Department in April.

Mr. Sharpe suggested that each Council Committee could meet and come up with a couple of questions with input from staff. Council would then come together to review the questions that were generated.

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Mayor McArthur noted that the communities that conduct these surveys and have found value in it, do subsequent surveys.

Mr. Sharpe suggested that he and the Mayor meet with representatives from National Citizens Survey to review the questions that should be removed and then arrange Committee meetings to discuss the questions to add.

Mayor McArthur stated that she would still like to do a strategic plan but feels that getting the wording of the survey questions right is important and needs done first.

Regarding the installation of digital sign board, Mr. Sharpe reported that Planning Commission approved the digital sign at their last meeting. Planning Commission Chairman, Ken Miller, also suggested that the blue spruce tree located in the southwest corner of the Square be removed during this project since it has reached its development and is subject to disease. The removal of the tree will also allow for more cohesive landscaping plan around the sign and will allow the sign to be moved away from the corner which will improve visibility.

Mr. Lelko stated that he supports the removal of the blue spruce since it blocks the view of Main Street and it will allow the sign to be placed away from the corner.

Mrs. Chuha asked if there has been consideration been given to removing three (3) additional conifers on the South end of the Square and replacing them with maple trees.

Members of Council suggested Shade Tree Commission provide their opinion about the removal of the three (3) conifers on the south end of the Square.

Mr. Blackley moved and Mr. Grau seconded to approve the sign installation as recommended by Planning Commission including the removal of the blue spruce as discussed, with Shade Tree discretion on the remainder of three (3) conifers on the south end of the Square. Upon roll call vote the motion passed unanimously.

NEW BUSINESS

The 2017 annual budget meeting was set for Tuesday, March 21, 2017.

Mr. Lelko stated that he thought that pre-budget meetings were going to be held to discuss departmental needs prior to numbers being developed.

Mr. Sharpe stated that Mr. Lelko had discussed it but the City never had any pre-budget meetings.

LEGISLATION

ORDINANCE NO. 2959

AN ORDINANCE AMENDING C.O. §905.51 INSTALLATION [OF SIDEWALKS] REQUIRED was read for the first time by title only.

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Mr. Blackley moved and Mrs. Chuha seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2959 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Grau seconded for the adoption of Ordinance No. 2959.

Mr. Gillette stated that the italicized text in the legislation reflects the recommendation from the Service Committee for changes to the sidewalk installation requirements.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2960

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH DiGIOIA SUBURBAN EXCAVATING, LLC FOR THE CONSTRUCTION OF MEADOWLANDS DRIVE EXTENSION - CITY OF CHARDON PROJECT #12-012, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Smock moved and Mrs. Chuha seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2960 was then read for the second and third time by title only.

Mr. Smock moved and Mr. Blackley seconded for the adoption of Ordinance No. 2960.

Mr. Courtney reported that DiGioia Suburban Excavating is the recommended low bidder for the Meadowlands Drive Extension project. He added that the company is well-equipped and capable of performing the work.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 29 61

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH MOUNTAIN ROAD CYCLES, LTD., AN OHIO CORPORATION, FOR PROPERTY IDENTIFIED AS 109 SOUTH STREET, CITY OF CHARDON, OHIO, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha moved and Mr. Smock seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2961 was then read for the second and third time by title only.

Mr. Grau moved and Mr. Blackley seconded for the adoption of Ordinance No. 2961.

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Mr. Yaney stated that Mountain Road Cycles has been a tenant for many years and the proposed lease is for two (2) years with two (2) options to renew for a period of one (1) year each.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 29 62

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH DYNEGY ENERGY SERVICES, LLC AS SUPPLIER OF ELECTRIC ENERGY FOR STREET LIGHTING AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha moved and Mr. Blackley seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2962 was then read for the second and third time by title only.

Mr. Smock moved and Mrs. Chuha seconded for the adoption of Ordinance No. 2962.

Mr. Rogonjic stated that the City's contract for street lighting is near expiration. Since NOPEC does not supply energy for street lighting, the City solicited quotes for street lighting and Dynegy has offered the lowest price and is expected to save the City \$5,000 annually.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 29 63

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT GRANTING AN IRREVOCABLE LICENSE WITH CONDITIONS TO HAMB DEN PROPERTIES LLC, AN OHIO LIMITED LIABILITY COMPANY, ALLOWING IT TO USE THE MUNICIPAL DRIVEWAY FROM GRANT STREET TO THE WASTEWATER TREATMENT PLANT AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha moved and Mr. Grau seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2963 was then read for the second and third time by title only.

Mr. Grau moved and Mrs. Chuha seconded for the adoption of Ordinance No. 2963.

Mr. Gillette stated that the driveway next to the wastewater treatment plant has been shared with the adjacent property owner for many years. The property has recently been sold to a new owner, Howard Bates, who asked for permission to use the driveway. An agreement has been drafted that will allow the driveway to be used for light to moderate traffic. The property owner would pay the City a \$1,500 per year license fee which should cover approximately 1/3 of the cost to replace the driveway when it needs to be replaced. The estimated replacement cost for the driveway is \$45,000.

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Mr. Gillette reviewed the terms of the agreement.

Mr. Blackley stated that the term "irrevocable" suggests that it is permanent.

Mr. Gillette stated that license is irrevocable except under certain terms. He added that most licenses can be terminated at the pleasure of the grantor of the license. The license is temporary but the licensee wanted some assurances that the City would not act cavalierly to terminate the license.

Mr. Blackley asked the benefit of the City granting the license.

Mr. Gillette stated that it will cover a portion of the cost to replace the driveway. He added that the cost seems reasonable considering how it will be used.

Mayor McArthur asked if the license fee will be put in the General Fund.

Mr. Gillette stated that he assumed it would go into the General Fund.

Mr. Smock asked if the estimated replacement cost is the cost currently or the cost in the future.

Mr. Courtney stated that the \$45,000 cost is the cost in today's dollars. He noted that the City's vehicles are putting the most wear and tear on the driveway.

Mr. Sharpe stated that the licensee will be contributing to 10% of the wear and tear on the road and what they are paying will cover at least that amount.

Mr. Hornyak stated that based on the current activity going on, it is a very small percentage of the wear and tear on the road.

Mr. Blackley asked if their property can be accessed from any point on the driveway.

Mr. Hornyak stated that they can access their property from any point on the driveway; however, the driveway has been ramped with asphalt grindings.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mrs. Chuha reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Grau moved and Mrs. Chuha seconded to adjourn to Executive Session at 9:15 p.m. for the purpose of considering the investigation into allegations of a public employee.

Discussion occurred regarding the consideration of an investigation into allegations of a public employee.

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Meeting reconvened at 9:30 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL - none.

ADJOURN

Mr. Smock moved and Mrs. Chuha seconded to adjourn. Upon voice vote the motion passed unanimously.

The meeting adjourned at 9:48 P.M.

Attest:

NANCY MCARTHUR, Mayor
President of Council

AMY DAY
Clerk of Council